



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.01.2022**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD) No.17011 of 2018

Perumal

...Petitioner

/Vs./

1.The Joint Registrar,
Co-operative Societies,
Khajamalai, Trichy.

2.The President,
Okkarai Primary Agricultural
Co-operative Society,
Okkarai Post, Thuraiyur Taluk,
Trichy District.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the second respondent to implement the order passed by the 1st respondent in pursuance of the order passed by this Court in W.P.No.4228 of 2016.

For Petitioner	: Ms.J.Madhu for Mr.S.Muthukrishnan
For Respondents	: Mr.A.K.Manikkam, Special Government Pleader for R1 Mr.R.Lakshmi Shankar for R2

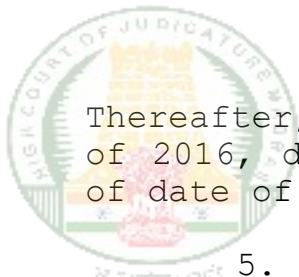
O R D E R

Heard Mr.J.Madhu, learned counsel appearing for petitioner, Mr.A.K.Manikkam, learned Special Government Pleader appearing for R1 and Mr.R.Lakshmi Shankar, learned counsel appearing for R2.

2. The petitioner seeks a Mandamus directing R2 to implement order passed by R1, pursuant to a direction issued by this Court in W.P.(MD)No.4228 of 2016.

3. The issue in question relates to date of birth of the petitioner. Date of birth of the petitioner as originally recorded was 21.02.1958 and this was the date as per the service records as on date of superannuation of the petitioner.

4. Since the petitioner was of the view that the date of birth as originally recorded was erroneous and the correct date is 12.01.1961, he made an application for amendment of the date.



Thereafter, a direction was issued by this Court in W.P.(MD).No.4228 of 2016, directing R1 to consider his representation for amendment of date of birth.

5. R1 finally passed an order on 27.09.2016 accepting the contention of the petitioner and confirming that his date of birth is, indeed, 12.01.1961. Had matter stood there, mandamus as sought for, could well have been issued.

6. However, it appears that an appeal had been filed challenging order dated 27.09.2016, that came to be allowed by the Additional Registrar of Co-operative Society on 31.01.2020, reversing the decision and holding that the date of birth as per the service records, that is, 21.02.1958 was proper.

7. The petitioner sought a review of the same and was unsuccessful as, vide orders of the Joint Registrar dated 24.03.2020 and 28.09.2020, the original date which is 21.02.1958 stood confirmed, and the applications seeking review of the appellate order, stood rejected.

8. Thus, and in view of the discussion above, mandamus as sought for in this writ petition is not liable to be issued. This Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Joint Registrar,
Co-operative Societies,
Khajamalai, Trichy.

2.The President,
Okkarai Primary Agricultural
Co-operative Society,
Okkarai Post, Thuraiyur Taluk, Trichy District.

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+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-1216[F] dated 11/01/2022)

+1 CC to M/s.SPL.GP (SR-1521[F] dated 12/01/2022)

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